UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _9/26/08 & 12/15/08_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28 and 30-38_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-28, 30-38_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 9/26/08 disclaiming the terminal portion of any

patent granted on this application which would extend beyond the expiration date of

application 09/975,171 has been reviewed and is accepted. The terminal disclaimer

has been recorded.

Allowable Subject Matter

The indicated allowability of Claims 1 – 28 and 30 - 38 is withdrawn in view of the

newly discovered reference(s) to Risafi and Jalili. Rejections based on the newly cited

reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating
obviousness or nonobviousness.

Claims 1, 6 – 9, 10, 15, 20 – 27 and 30 - 38 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Marcous (US Patent 5,650,604) in view of Risafi (US Patent

6,473,500).

Regarding Claim 1, Marcous discloses a method for performing a money

transfer receive transaction involving a desired amount of money to be transferred from

a sender to a recipient, the method comprising:

- receiving transaction identifying information (an entry) provided by the

  recipient. (see abstract);

- comparing (comparison) the transaction identifying information (entry) with

  transaction data (corresponding to the designated amount and the security

  code) stored on a host computer system. (see abstract);

- providing funds, to be issued to the recipient, if the transaction identifying

  information (entry) matches the transaction data (corresponding to the

  designated amount and the security code) stored on the host computer

  system. (see abstract);

- receiving at the host computer system input (entry) corresponding to the

  confirmation code (security code) from a dispensing terminal in

  communication with the host computer system. (see abstract);

- comparing the input (entry) to the confirmation code (security code) stored on

  the host computer system. (see abstract); and

- allowing funds, corresponding to at least a portion of the desired amount of

  money, to be dispensed by the dispensing terminal if the input (entry)

  matches the confirmation code (security) stored on the host computer

  system. (see abstract).

Marcous does not teach a method comprising ***providing a confirmation code***,

to be issued to the recipient, if the transaction identifying information matches the

transaction data stored on the host computer system; ***and using said confirmation***

code as input for future dispensing of funds. (emphasis added).

Risafi discloses a method comprising providing a confirmation code (new PIN) to

be issued to the recipient (card user), if the transaction identifying information matches

the transaction data stored on the host computer system; and using said confirmation

code (new PIN) as input for future dispensing of funds. (see col. 10, lines 32 - 67).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Marcous by incorporating the ability to modify or

exchange codes, as disclosed by Risafi, thereby enhancing security, as older codes

may be comprised, and enhancing ease of use, as recipient can modify code to a more

personally memorable code.

Regarding Claims 6 – 9, Marcous does not teach a method wherein the step of

providing a confirmation code includes providing, by the host computer system, the

confirmation code to a receive- transaction initiation device in communication with the

host computer system; the receive-transaction device is a personal computer; the

receive-transaction initiating device is a telephone; and the step of providing a

confirmation code includes providing, by a telephone operator, the confirmation code to

the recipient.

Risafi discloses a method wherein:

- the step of providing a confirmation code (PIN) includes providing, by the host

  computer system (system), the confirmation code (PIN) to a receive-

  transaction device (terminal) in communication with the host computer system

  (system). (see abstract);

- the receive-transaction device is a personal computer. (see col. 19, line 65 -

  col. 20, line 18);

- the receive-transaction initiating device is a telephone. (see col. 2, line 40 –

  col. 3, line 23); and

- the step of providing a confirmation code (PIN) includes providing, by a

  telephone operator (telephone service provider), the confirmation code (PIN)

  to the recipient. (see col. 2, line 40 – col. 3, line 23).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Marcous and Risafi by incorporating standard and

conventional means of communication of information, as disclosed by Risafi, thereby

enhancing the ease of implementation of through usage of standard and conventional

technology.

Regarding Claim 10, Claim 10 recites similar limitations to Claim 1 and is

therefore rejected using the same art and rationale as applied in the rejection of Claim

1. Claim 10 differs from Claim 1 through the issuance and use of an identification code, an identifier, in place or in addition to the confirmation code, an identifier.

Additionally, multiple-factor authentication is old and well known in the art of security and encryption, as evidenced by Marcous (see col. 8, lines 58 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous and Risafi by incorporating the ability to utilize multiple-factor authentication, as disclosed by Marcous, to provide additional layers of security and encryption to the electronic funds transfer.

Regarding Claim 15, Claim 15 recites similar limitations to Claim 10 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 10.

Regarding Claim 20, Claim 20 recites similar limitations to Claims 1, 6, 10 and 15, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 1, 6, 10 and 15, in combination.

Regarding Claims 21 – 22, Marcous discloses a method further comprising:

▪ wherein the transaction identifying information includes a first code (security information/sender's phone number) provided to the sender to the recipient. (see col. 4, lines 16 – 22); and

▪ receiving at the host computer an identification code (security information /system-generated PIN") provided by the recipient. (see col. 8, lines 58 – 68).

Marcous does not teach a method further comprising generating the confirmation code by the host computer system based on the identification code, wherein the identification code is different than the first code.

Risafi discloses a method comprising generating the confirmation code (new PIN) based on the identification code (old PIN), wherein the identification code (old code) is different than the first code (account number). (see col. 10, lines 32 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marcous and Risafi by incorporating the ability to modify or exchange codes, as disclosed by Risafi, thereby enhancing security, as older codes may be comprised, and enhancing ease of use, as recipient can modify code to a more personally memorable code.

Regarding Claims 23 – 27, Marcous discloses a method further comprising:

- loading payout funds (principal monies) corresponding to at least a portion of the desired amount of money in a payout account (holding account) maintained on the host computer system (pseudo-terminal), and allowing the payout account to go negative (in excess of principal monies) by an amount to cover a transaction fee (convenience fee) associated with use of the dispensing terminal (pieces of the system responsible for carrying out the overall transfer transaction). (see col. 6, line 64 – col. 7, line 4);

- loading payout funds (principal monies) corresponding to at least a portion of the desired amount of money in a payout account (holding account) maintained on the host computer system (pseudo-terminal). (see col. 6, line

64 - col. 7, line 4); receiving at the host computer system (pseudo-terminal) a

debit request from the dispensing terminal. (see col. 9, lines 1 – 4);

automatically determining by the host computer system a transaction fee

(convenience fee) associated with use of the dispensing terminal in response

to receiving the debit request. (see col. 6, line 64 - col. 7, line 4); and then

loading (crediting) an additional amount (convenience fee) in the payout

account (holding account) to cover the transaction fee (convenience fee).

(see col. 6, line 64 – col. 7, line 4);

- wherein the step of automatically determining the transaction fee includes

  assuming an even, whole dollar first portion of the debit request corresponds

  to a desired withdrawal amount for the recipient, and attributing a second

  portion of the debit request to the transaction fee (convenience fee). (see col.

  6, line 64 – col. 7, line 4);

- loading payout funds (principal monies) corresponding to at least a portion of

  the desired amount of money in a payout account (holding account)

  maintained on the host computer system (pseudo-terminal). (see col. 6, line

  64 - col. 7, line 4); and allowing the dispensing terminal to debit the payout

  account (in excess of principal monies) to cover a transaction fee

  (convenience fee) associated with the use of the dispensing terminal. (see

  col. 6, line 64 - col. 7, line 4);

- wherein the allowing step (authorization approval) includes allowing funds,

  corresponding to a first portion of the desired amount of money, to be

dispensed by the dispensing terminal if the input matches the confirmation

code (information...listed in suspended journal file) stored on the host

computer system (pseudo-terminal) (see col. 9, lines 40 – 57); and

- wherein dispensing terminals have dispensing limits. (see col. 9, line 58 – col.

  10, line 6).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Marcous and Risafi to allow for multiple iterations

of the above process, by allowing the recipient to retrieve a second portion of the

transferred funds at a second location at a second time, undergoing the same security

procedure utilized initially, as Marcous acknowledges dispensing limits on the

dispensing of transferred funds requiring multiple iterations.

Furthermore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to allow for multiple iterations of the process, since it

has been held that mere duplication of the essential working parts of a device, without

more, involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co, 193 USQ 8*

(CA 7); In re Harza, 124 USPQ 378 (CCPA 1960).

Regarding Claims 30 – 38, Marcous discloses a method:

- wherein the dispensing terminal is an unattended automated teller

  machine. (see 230, figure 2);

- wherein the transaction data further includes a first code (identifier, such

  as an amount of money transferred or sender's phone number) provided

  by the sender to the recipient, the first code being different than the

confirmation code (identifier, such as system-generated PIN), and wherein

the transaction identifying information includes the first code. (see col. 4,

lines 16 – 29); and

- wherein the allowing/authorizing step (authorization approval) comprises

  allowing/authorizing (been approved and directing) the funds to be

  dispensed by the dispensing terminal (ATM) to the recipient. (see col. 9,

  lines 40 – 57).

Marcous does not teach a method wherein the confirmation code/identification

number is not provided by the sender; nor wherein the receive-transaction initiating

terminal is different than the dispensing terminal.

Risafi discloses a method wherein:

- the confirmation code/identification number is not provided by the sender

  (card issuer). (see col. 6, lines 57 - 64); and

- the receive-transaction initiating device terminal is not a dispensing device.

  (see col. 10, lines 1 – 67).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Marcous and Risafi by incorporating the ability to

input and/or receive codes and/or identifiers via a terminal, as disclosed by Risafi, that

is not a dispensing device, allowing the recipient to exchange and/or replace the

identifier for access to the electronic funds prior to actual dispensing of the funds.

Claims 2 – 5, 11 – 14, 16 – 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous and Risafi, as applied to Claims 1 and 10 above, and further in view of Jalili (US Patent 6,209,104),

Regarding Claims 2 – 5, Marcous discloses a method wherein the confirmation code (identifier) includes a number (phone number/ "PIN). (see col. 8, lines 58 – 68).

Marcous does not teach a method wherein the confirmation code and/or the identification code includes a letter; a symbol; and an image.

Jalili discloses a method wherein a confirmation code (password) includes a number (numbers), a letter (letters), a symbol (symbols) and an image (images). (see col. 6, lines 4 - 20).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have modified Marcous and Risafi by incorporating the use of code elements, as disclosed by Jalili, thereby allowing for creation of a code using standard and conventional elements that are used in the construction of such codes.

Regarding Claims 11 - 14, Claims 11 - 14 recite similar limitations to Claims 10 and 2 – 5, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 10 and 2 – 5, in combination.

Regarding Claims 16 - 19, Claims 16 - 19 recite similar limitations to Claims 10 and 2 – 5, in combination, and are therefore rejected using the same art and rationale as applied in the rejections of Claims 10 and 2 – 5, in combination.

Regarding Claim 28, Claim 28 recites similar limitations to Claims 1, 6, 7, 10, 14, 15, 18 and 20, in combination, and is therefore rejected using the same art and rationale as applied in the rejection of Claims 1, 6, 7, 10, 14, 15, 18 and 20.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jason M Borlinghaus/

Examiner, Art Unit 3693

December 31, 2008